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*Attorneys for Plaintiff Angela White*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ANGELA WHITE,

Plaintiff,

vs.

RALEY'S, et al.,

Defendants.

Case No.: 3:20-cv-00457-MMD-CLB

MOTION, STIPULATION AND ORDER  
TO FILE AN AMENDED COMPLAINT

The Plaintiff, Angela White, through her counsel files the instant motion seeking leave to file her first amended complaint pursuant to FRCP 15, LR 15-1, and the Court's Order approving the Second Updated Stipulated Discovery Plan and Scheduling Order (ECF No. 23), and stipulation of Defendant.

The proposed first amended complaint is attached to this motion as Exhibit 1. The amended complaint voluntarily dismisses and removes the special damage claim for past and future wage loss. The sole language changes are deletion of any reference to a past and future wage loss claim as found in paragraph 7 of the complaint and paragraph 3 of the prayer for relief ("and income loss"). The remaining claims will continue to be pursued.

The Defendant hereby stipulates to the filing of and granting of the motion to amend the complaint.

Per FRCP 15, leave to amend is freely given when justice so requires. This amendment will not delay trial, nor prejudice any party. It simply narrows the damage issues for the trier of fact.

DATED this 18th day of March, 2021.

DATED this 18th day of March, 2021.

LAXALT & NOMURA, LTD.

PHILLIPS SPALLAS & ANGSTADT, LLC

/s/ Don Nomura



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*Attorneys for Defendant Raley's*

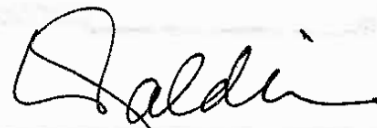
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*Attorneys for Plaintiff Angela White*

Accordingly, the stipulation to file an amended complaint (ECF No. 25) is GRANTED. Plaintiff shall date, sign, and file the amended complaint (ECF No. 25-1) upon receipt of this Order.

IT IS SO ORDERED.

DATED: March 19, 2021.



CARLA BALDWIN  
UNITED STATES MAGISTRATE JUDGE

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**Exhibit No.**

**Description**

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Amended Complaint

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# EXHIBIT 1

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*Attorneys for Plaintiff Angela White*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ANGELA WHITE,

Case No.: 3:20-cv-00457-MMD-CLB

Plaintiff,

vs.

RALEY'S, et al.,

Defendants.

**FIRST AMENDED COMPLAINT**

COMES NOW plaintiff Angela White by and through her counsel Jerry H. Mowbray and Don Nomura, and hereby complains, alleges and avers as follows:

1. That plaintiff Angela White is, and at all material times was, a resident of Washoe County, Nevada.

2. That defendant Raley's is, and at all material times was, a foreign corporation doing business in Washoe County Nevada. Further, that the Raley's location at 1630 Robb Drive

1 in Reno at all time maintained and operated a retail pharmacy pursuant to Chapter 639 of the  
2 Nevada Revised Statutes.

3           3. Pursuant to NRCP 10(a) and Nurenberger Hercules-Werke GMBH v. Virostek,  
4 107 Nev. 873, 822 P.2d 1100 (1991), the identity of defendants designated as ABC Corporations  
5 1-10, Black & White Companies 1-10 and John Does 1-5, and Jane Does 1-5, are unknown at the  
6 present time; however, it is alleged and believed these defendants were involved in the initiation,  
7 approval, support, or execution of the wrongful acts upon which this litigation is premised, or of  
8 similar actions directed against plaintiff about which they are presently unaware. These “Doe”  
9 defendants include the person(s) who negligently failed to correctly fill plaintiff Angela White’s  
10 prescription for Minivelle Estrogen patches on November 7, 2017 at the Raley’s Pharmacy of  
11 Robb Drive. They also include their employer if already not identified in this complaint. As the  
12 specific identities of these parties are revealed through the course of discovery, the Doe  
13 designation will be replaced to identify these parties by their true names and capacities  
14

15           4. That all pertinent times hereto defendants, and each of them, were the agents  
16 and/or employees and/or employers and are co-adventurers and are partners and/or alter egos of  
17 their co-defendants and in doing the things hereinafter alleged were acting within the course and  
18 scope of such employment, agency, co-adventurer, and/or partnership and with the permission,  
19 consent and encouragement of their co-defendants. Further, defendants, and each of them, were  
20 acting in concert and are jointly and severally liable for one another’s actions and have agreed to  
21 assume one another’s liabilities.  
22

23           5. That in November of 2017 plaintiff Angela White was a patient of OB/GYN Staci  
24 Paul, M.D. Further, that on November 7, 2017, Dr. Paul prescribed and provided a prescription  
25 slip to plaintiff Angela White for a three month supply of 0.0375 Minivelle Estrogen patches to

1 be applied twice weekly. Further that plaintiff Angela White presented the prescription slip to the  
 2 Raley's Pharmacy on Robb Drive to have it filled. Further that the prescription was negligently  
 3 not correctly filled by the defendants and each of them, such the plaintiff received 0.075  
 4 Minivelle Estrogen patches rather than 0.0375 patches. Further that plaintiff Angela White  
 5 applied the patches twice weekly as ordered by Dr. Paul and continued to do so until July of  
 6 2018. This required that the prescription be refilled; each refill was at the wrong elevated dosage.  
 7 Further that as a result of negligence of the defendants, and each of them, plaintiff Angela White  
 8 was overdosed from November 2017 to July of 2018 at which time the mistake by the  
 9 defendants, and each of them, was discovered.

11 6. That as a result of the negligence of the defendants, and each of them, plaintiff  
 12 Angela White began to experience heavy cycles, weight gain, headaches, light headiness, severe  
 13 cramping, mood swings, high blood pressure, anxiety and panic attacks as well as emotional  
 14 distress. Their negligence has also increased the risk of harm to her for the need to undergo a  
 15 hysterectomy.

16 7. That as a proximate result of the negligence of the defendants, and each of them,  
 17 plaintiff Angela White has sustained and will continue to sustain severe and permanent personal  
 18 injuries in excess of \$75,000.00. Further, she sustained past and future medical expenses.  
 19 Request to amend this complaint to allege the special damages with specificity will be made  
 20 when they become known.

### 22 **PRAYER FOR RELIEF**

23 1. For leave to amend this complaint with the true names and identities of the  
 24 defendants sued by fictitious names upon being known:

25 2. For general damages in excess of \$75,000.00;

3. For special damages for past and future medical care according to proof at trial;
4. For prejudgment and post judgment interest;
5. For attorney's fees incurred herein;
6. For costs of suit incurred herein; and
7. For such other and further relief that the court may deem just and proper in the premises.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2021.

LAXALT & NOMURA, LTD.

\_\_\_\_\_  
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*Attorneys for Plaintiff Angela White*



CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b) and Section IV of the District of Nevada Electronic Filing Procedures, I hereby certify that I am an employee of LAXALT & NOMURA, LTD., and that I caused to be served a true and correct copy of the foregoing document by E-Service by filing the foregoing with the Clerk of Court using the CM/ECF system, which will electronically mail the filing to the following email addresses:

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DATED this \_\_\_\_ day of \_\_\_\_\_, 2021.

/s/ Laurie Pieratt  
An employee of Laxalt & Nomura, Ltd.